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|---|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/014,422  | 01/27/1998  | MASAKI IWAMOTO       | 1344.1001/JD        | 4490             |
| 21171   | 7590        | 03/04/2005           | EXAMINER            |                  |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | HUYNH, CONG LAC T   |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 2178                 |                     |                  |

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | Application No.<br>09/014,422 | Applicant(s)<br>IWAMOTO ET AL. |
|------------------------------|-------------------------------|--------------------------------|
|                              | Examiner                      | Art Unit                       |
|                              | Cong-Lac Huynh                | 2178                           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 December 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-8,10-19 and 21-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8,10-19 and 21-26 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: amendment filed 12/14/04 to the application filed on 01/27/98.
2. Claims 9 and 20 are canceled.
3. Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are independent claims.
4. The rejections of claims 1-8, 10-19, 21-26 under 35 U.S.C. 103(a) as being unpatentable over Excel 97 in view of Wallack have been withdrawn in view of the amendment.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites the limitation "data warehouse" in line 4. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 23 recites the limitation "data warehouse" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-8, 10-19, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11 in view of Friedman et al. (US Pat No. 5,893,090, 4/6/99, filed 1/31/97).

Regarding independent claim 1, Excel 97 discloses (on page 1):

- the cross tabulation in which the data which is set a range to be displayed is summed up, the *data selected which is extracted from a database is cross summed up* (the sum of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database)
- the cells selected among the cells to constitute the cross tabulation which includes the *data extracted from a database* (the cells in each row or each column)
- the graph for displaying the *data extracted from a database* within the range, here the range is from A1 to D4 (the graph for corresponding sampled data)

Excel 97 does not disclose automatically extracting a random sampling of data from the contents of the data warehouse.

Friedman discloses automatically extracting a random sampling of data from the contents of a data warehouse (col 4, lines 1-48: extracting a random sampling of records from a data warehouse where the extracted data in the sampling are table data as in figure 5; since selecting a sample from a source database or extracting a random sampling is performed preliminary by a computer system, said selecting or extracting is performed automatically).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Friedman into Excel 97 for the following reason.

Friedman discloses the benefit of performing operations on a random sampling of content data from a data warehouse where the extracted data is in the form of a sample table providing the advantage to incorporate into Excel 97 for automatically extracting the random sampling of a data warehouse for carrying out operations on data in a spreadsheet, which is much faster than extracting data from a database manually by users for performing calculating in spreadsheet.

Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the *selected range* (which is limited) of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South
- selecting of *cells which include data extracted from a database* in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as “sort descending” by selecting the range A2 to D5 and selecting the Sort Descending icon. The *data changed which is extracted from a database* in the descending order (sequence East-West-North-South now changes to West-South-North-East ) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4, which *includes data extracted from a database* (page 7 and the first graph in page 8). When selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items *extracted from a database* (page 9, the highlighted data).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-8, 10-19, 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that Wallack does not disclose or suggest conducting a random sampling of data from the contents of a data warehouse, and does not teach or suggest anything related to a data warehouse as amended in the claims.

Examiner agrees.

Wallack is withdrawn from the rejections.

Friedman discloses performing random sampling of data from the contents of a data warehouse (see the rejections above).

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Castelli et al. (US Pat No. 5,978,788, 11/2/99, filed 4/14/97).

Gibbons et al. (US Pat No. 5,870,752, 2/9/99, filed 8/21/97).

Fayyad et al. (US Pat No. 6,263,337 B1, 7/17/01, filed 5/22/98).

Guba et al. (US Pat No. 6,049,797, 4/11/00, filed 4/7/98).

Ushijima et al. (US Pat No. 5,890,150, 3/30/99, filed 1/23/98).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh  
2/22/05



STEPHEN HONG  
CIVIL PATENT EXAMINER